

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 91-319-T - ORDER NO. 91-1148
DECEMBER 31, 1991

IN RE: Application of Nuway Environmental,) ORDER
 Inc., 214 Bruner Road, Lexington, SC) GRANTING
 29072, for a Class E Certificate of) CERTIFICATE
 Public Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Nuway Environmental, Inc. (the Applicant) for a Class E Certificate of Public Convenience and Necessity to render motor freight service over irregular routes only, as follows:

HAZARDOUS WASTES, CONSISTING OF ANY WASTE OR COMBINATIONS OF WASTE OF A SOLID, LIQUID, CONTAINED GASEOUS, OR SEMISOLID FORM (INCLUDING, BUT NOT LIMITED TO INDUSTRIAL WASTE, WASTE OILS, AND PAINT WASTE), WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL, CHEMICAL, OR INFECTIOUS CHARACTERISTICS, IS DEFINED BY SECTION 44-56-20 (6) OF THE 1979 CUM. SUPP. 1976 CODE OF LAWS OF S.C., AND AS AMENDED, AND IS IDENTIFIED BY RULE 61-79.1B PROMULGATED BY THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, EFFECTIVE MARCH 31, 1980, AND AS AMENDED: Between points and places in South Carolina.

This Application was subsequently amended to add as follows:

HAZARDOUS WASTES, CONSISTING OF ANY WASTE OR COMBINATION OF WASTE OR A SOLID, LIQUID, CONTAINED GASEOUS, OR SEMISOLID FORM (INCLUDING, BUT NOT LIMITED TO INDUSTRIAL WASTE, WASTE OILS, AND PAINT WASTE), WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL,

CHEMICAL, OR INFECTIOUS CHARACTERISTICS, IS DEFINED BY SECTION 44-56-20 (6) OF THE 1979 CUM. SUPP. 1976 CODE OF LAWS OF S.C., AND AS AMENDED, AS IS IDENTIFIED BY RULE 61-79.1B PROMULGATED BY THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, EFFECTIVE MARCH 31, 1980, AND AS AMENDED: Between points and places in South Carolina.

RESTRICTED: To exclude dry commodities in tank vehicles.

RESTRICTED: To 4500 gallons per shipment on liquids.

DUMP TRUCK COMMODITIES, AS DEFINED IN R.103-211 (13):
Between points and places in South Carolina.

Subsequent to the initiation of this proceeding, the Commission Staff instructed the Applicant to cause to be published a prepared Notice of Filing in certain newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file the appropriate pleadings. Although the Commission initially received three Petitions to Intervene, each of these Petitions were later withdrawn. A hearing was held in the Offices of the Commission on December 12, 1991.

Upon consideration of the amended Application, the evidence presented at the hearing, and the applicable law, the Commission finds that the Applicant is fit, willing and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the certificate is required by public convenience and necessity.

IT IS THEREFORE ORDERED:

1. That the Application, as amended, for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann., Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann., Section 58-23-10, et seq (1976) as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

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5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)